

**Statement of Hilary B. Rosen
President and CEO
Recording Industry Association of America
Senate Committee on Commerce Hearing
“Marketing Violent Entertainment”
September 13, 2000**

I am President and CEO of the Recording Industry Association of America. RIAA is the trade association of America's record companies. Our membership is as diverse as our music.

I speak for thousands upon thousands of people in the recording industry. Our views on youth violence and culture -- just like those of members of this committee and others who testify before it -- are not informed by their professional capacities alone.

They are informed by our dreams for our own kids -- our concerns about our community -- and our commitment to our country.

We are proud to be members of an industry who work with artists to create the most diverse music in the world filled with a multitude of musical styles, lyrical imagination and cultural experiences. And we are also proud of our 15-year track record of helping parents make informed choices about their children's entertainment.

Throughout that period, the issue of how entertainment affects children has wandered back and forth between the headlines from the back pages. But we have been consistent.

Today, as the issue finds itself back on the front pages again, we are proud to speak with you just as authoritatively and every bit as passionately as we have for each of the last 15 years.

Today, Mr. Chairman, I want to explain how the recording industry's system works, how it has been improved and attempt to specifically address some of the FTC's criticisms.

I am somewhat hampered in the latter task. The public or members of this Committee may not realize this but while some (including this Committee's staff) were apparently briefed on the report a few weeks ago Mr. Chairman, we only received it two days ago. The FTC had over one year to do all of its analysis, compile a hundred page report and a 250 or so page annex with thousand of footnotes containing significant detail and assumptions and we have had 48 hours to look at it before this hearing.

The Recording Industry's Voluntary Program

The premise of our system is to balance an artist's right of self-expression with a parents' need for information to make choices based on their children's individual situation and their own values.

In 1985, we reached agreement on that approach with the National Parent Teacher Association and the Parents Music Resource Center. Within months, music releases with explicit lyrics, whether about violence or sex, were identified.

I should add that despite the emphasis at these hearings on recordings with explicit content, they comprise a relatively small proportion of our industry's output and the themes and language contained in all of our music is a part of today's society.

In an average retail store with 110,000 titles, about 500 will carry the Parental Advisory logo. That's less than one-half of one percent of that store's total inventory. And the major labels produce clean versions of nearly all recordings that carry the logo.

And let me assure you, Mr. Chairman, that this industry is a very tough customer. Recently a story in the *New York Times* carried this headline: "Recording Industry's Strictest Censor Is Itself."

Is this system perfect? Of course not. Even if it had been, entertainment is a constantly evolving industry.

So where our system was imperfect, we have tried to improve it. Where entertainment media evolved, we have tried to adapt to them.

Some thought we hadn't gone far enough -- that parents couldn't spot the advisory easily.

So in 1990, we established a uniform, universally recognizable Parental Advisory logo. It is one inch by a half-inch on cassettes and CD jewel boxes.

We have launched extensive marketing campaigns to educate both parents and retailers about the system.

With the advent of the Internet, we recently created standards for applying the Parental Advisory logo to online sales.

We worked with retailers to use the logo in the way they feel best squares with their own values and needs. Some retailers, for example, chose not to sell recordings carrying the Parental Advisory logo to minors. We cooperate with this decision.

Indeed, we welcome it as an indication that this system is working precisely as we intended it -- by giving people the information they need to make their own decisions based on their own values.

Our most recent attempt to fine-tune this system will take effect just over two weeks from now, on October 1, with the implementation of RIAA's new guidelines for the Parental Advisory label.

The revised guidelines cover the following areas.

First, they provide uniform standards to guide a label and artist in deciding whether to apply the Parental Advisory logo. They advise that this decision be made by weighing contemporary cultural morals. They clarify that the logo should be applied to single-track recordings when they are commercially released as well as full albums.

Second, these guidelines indicate that the Parental Advisory logo should be applied in all advertising of a recording that carries the logo.

Finally, we created Internet guidelines for the first time. These guidelines call for a specific display of a parental advisory logo for on-line sales. The Parental advisory should be visible from the catalog pages all the way through to the shopping basket.

Today, the recording industry's system has taken root in the public mind and the popular culture. They are instantly recognized. And 74% of parents say they are effective.

So What Did the FTC Find?

From what I can tell, the FTC's findings can be summed up in few sentences. Parents are satisfied with the industry's rating systems to the extent that 74% said so, but the FTC is not. The majority of CD's that carried the sticker were also available in edited form. As far as I can tell, there was one – I repeat one – specific incident of a television program where this music was advertised with a majority under 17 years of age audience and three more that were questionable. Hardly a sweeping industry condemnation. Indeed, since our guidelines are only voluntary and have never contained any age specific restrictions, there is nothing wrong with these companies leaving the decision to parents to determine what their kids should own.

There were a few instances where an album was seemingly marketed to younger teens (the actual specifics are not in the report) although since the FTC report does not delineate whether or not those albums had edited versions available, it is impossible to draw the conclusion that younger teens were subjected to anything that might have been inappropriate.

The report also says that all of its conclusions were reached prior to having the revised guidelines issued by the RIAA, which addresses these concerns.

The principle and most accurate criticism in the FTC report with regard to music is that record retailers each handle the sale of stickered product to young people in different ways. Some don't sell any stickered product at all and others will sell to most anyone. I understand that this is viewed as an "enforcement" problem but in reality, there is nothing that prevents retailers from determining their own policies based on their own local community standards for themselves and their customers. In any event, it is not something over which record companies have or want to have any control.

The FTC recommends three things that all of the industry should do:

1. Establish guidelines for advertising - we have
2. Increase compliance at retail – retailers make their own decisions
3. Increase parental understanding of the label – 77% of the people have said that they are aware but we can always do more education

Music is just music

Those whose concern for our children is most sincere have the greatest interest in ensuring the problem violence is tackled at its real source. And Mr. Chairman, music recordings are not that source.

I wish it were possible to alter depression or anger through musical lyrics. If it were, you would see a flood of songs urging kids to seek help.

But the American Academy of Child & Adolescent Psychiatry lists 14 signs to look for in a suicidal violent child. Music choices are not among them.

The committee will hear today from experts who posit a correlation between violent behavior and explicit lyrics. That is to say that both occur at the same time -- that some youth who listen to music with explicit lyrics also behave violently.

I leave it to people whose expertise in psychology and psychiatry exceeds my own to pontificate on the subject but there simply are no factual correlative studies. We have done the research. In fact, so has the FTC. They said so in this report.

Indeed, the best evidence is experience, and experience in this case is clear. Behind me, Mr. Chairman, are two charts. One shows music sales rising by 4% between 1994 and 1999, and the other shows violent crime among youth falling 27% over the same period. They are not related and that is the point.

Another statistic that is not on a chart but is well known to any elected official is that voting among young people is at an all time low. I have spent much of my career encouraging young people to get involved in the political process. To stand up for their future and to talk to politicians about issues they care about. But young people are a smart and cynical bunch today. They don't like it when their culture is attacked even when it is in the guise of corporate responsibility.

A bipartisan survey by Garin-Hart Research and American Viewpoint showed this disconnect among the generations on the issue of culture. When parents were asked what most influenced their kids, they said, television, movies, the Internet, games, music and their friends. When teenagers were asked, they said overwhelmingly, parents, teachers and their church were the most important influences on their lives.

I am sympathetic with parents who feel that their children are no longer under their moral control. But it just isn't the case.

When we take culture that we don't understand and ascribe power and motivation to it that is well beyond how its audience receives it we do a disservice to young people. Young people who continue to need the guidance and leadership of adults in their lives. It is simply wrong to suggest that any government regulatory action can substitute for such involvement, particularly when it comes to art.

This debate over music keeps coming back to the same thing. Despite all of the trappings and new ways to look at the issue, the fact is that some people just don't like the music. And that, is a freedom of expression issue.

The committee is concerned about violent and sexual lyrics. As a parent, so am I. But I want to apply my own values -- the needs of my individual children -- to decide what sources of entertainment are appropriate for them.

If we attempt to apply any other standard, no bonfire will be tall enough to burn the centuries of art that will have to go up in flames.

If violence is inherently demeaning to culture, then Verdi's *Rigolletto* -- in which he opens a sack to find it contains his dying daughter -- belongs on the pyre. So does Strauss's *Salome* -- in which Herod presents Salome with the head of John the Baptist on a platter. For that matter the recent Dixie Chicks song where a wife exacts revenge for an abusive spouse by poisoning his food is in theory equally violent. A new Steve Earle song talks about a death row killer and his crimes and the value of life and death.

Incidentally, nobody has asked for an advisory label on those CD's.

I fully understand those who with utter sincerity feel there is a difference between rap lyrics and grand opera or country music. But there really isn't.

But remember that these artists were criticized in their day. So were others like them, from Picasso to Stravinsky, Flaubert to James Joyce, Charlie Chaplin to Lenny Bruce to George Carlin to Imus -- were also dismissed in their time. Classics are rarely recognized in the momentary heat of controversy.

And remember that the distinction between high art and the low road is deeply rooted in individual values and perspectives.

For each person who believes rap lyrics portray a foreign world, there is another who finds them deep and powerful because that world is all too real.

And above all, we must remember this: In our country, expression is not required to pass any test of validity, or even propriety, to be both permitted and protected.

After all, the test of whether America allows free speech is not whether it grants freedom to those with whom we mildly disagree. It is whether we protect the freedom of those whose views -- and language -- make us apoplectic.

Still, I testify today in a spirit of confidence and cooperation -- because I speak here as both an executive and a parent.

I care as deeply and passionately about my own children as I know you do about your own. So do my colleagues in the recording industry, from artists to executives.

The real test of commitment to our youth is not how strongly each participant in this discussion can defend its positions or papers, but whether every party can work together to address the complex blend of challenges facing our children.

The last 15 years have proven that we can. And I am confident that we can do so for decades to come. Thank you.